



Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of May 5, 2016

Board Members Present:

Kalliope Egloff, Chair
Lucy Burton, Co-Chair

Also Present:

Glen Harrington, Health Agent

Chair Kalliope Egloff called the meeting to order at 7:00 PM.

APPOINTMENTS

7:15 PM – Peter McEntee – Title V Variance Request – 5 Brassie Way.

Peter McEntee of Engineering Works, representing Edward and Judith McDonough owners of 5 Brassie Way, introduced himself to the Board.

Mr. McEntee commented that he is proposing a septic upgrade and is requesting three variances:

1. A 6' variance, septic tank to cellar wall (bulkhead), for a 4' setback.
2. A 5' variance, Soil Absorption System to cellar wall (bulkhead), for a 15' setback.
3. A 1' reduction to the required 5' separation between maximum seasonal high groundwater and bottom of Soil Absorption System, for a 4' separation.

This is a small lot with very little area to install the septic system. The only way to gain access to the backyard is through the golf course where permission is required for entry. There is a road for golf maintenance that may be utilized.

Glen Harrington inquired whether a concrete tank could be installed instead of the plastic tank. Mr. McEntee stated that he prefers a concrete tank, but with the plastic tank there will be lesser of a mound.

Lucy Burton made a motion that the Board of Health approve the three variances requested for 5 Brassie Way as presented. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:20 PM – Wayne Lopez – Operation and Maintenance Violation – 42 Fells Pond Road.

Glen Harrington stated that Wayne Lopez of 42 Fells Pond Road obtained the property in 2013 but did not get notice of the violation until 2015. The owners received the certified letter but as yet no contact has been made with the Health Department staff. Since a contract has not been submitted, a one year's non-compliance and subsequent fine is recommended.

Lucy Burton made a motion that the Board of Health fine the owners of 42 Fells Pond Road \$300 for failure to provide a service contract and perform the required Operation and Maintenance on the OMNI RSF system. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:25 PM – Michael Pingeton – Cape Cod Builders – Review of Change Order: Unit P-103 Deer Crossing.

Michael Pingeton, Operations Manager of Cape Cod Builders, introduced himself to the Board.

Mr. Pingeton commented that it was a pleasure to work with the Town of Mashpee and thanked the Board for giving him the opportunity to explain the situation leading to the change order. Mr. Pingeton explained that the property was vandalized. Appliances and smoke detectors were removed, and the unit was ransacked. There was no heat, no electricity, and no hot water for 2 and one half weeks. Mr. Pingeton is requesting that the Board of Health re-consider some of the monetary losses that were encountered.

Glen Harrington remarked that the change order was reviewed with the former Assistant Town Manager, Tom Mayo. The Assistant Town Manager's final recommendation was that the original contract was written with a "no change order".

Kalliope Egloff stated that the change order cannot be amended as the Town Administration would not allow it at this point. Cape Cod Builders performed a tremendous job on a horrific situation at P-103 Deer Crossing. The Board thanked Mr. Pingeton for his efforts, and Mr. Pingeton thanked the Board for the superb recommendation.

NEW BUSINESS

1. Sign Expense Warrants. The Board members signed the expense warrants.

2. Review/Approve BOH Public Session Minutes: April 7, 2016.

Lucy Burton made a motion that the Board of Health approve the Public Session minutes of April 7, 2016, as amended. Kalliope Egloff seconded the motion. The motion was unanimously approved.

3. Farmer's Market – Mashpee Commons.

Glen Harrington remarked that Mary Derr, Marketing Director at Mashpee Commons, requested to be on the Board of Health Agenda but never submitted any information to present to the Board.

The Board continued discussion on the Farmer's Market at Mashpee Commons to the next scheduled meeting of May 19, 2016.

4. Review Board of Health Fee Schedule.

Glen Harrington remarked that he would like the Board of Health to review and approve the 2016 Fee Schedule.

Mr. Harrington commented that there were a couple of items that required clarification. On the second page "Farm - \$25" is written. It should read "Farm Stand". The Board of Health does not charge farms or permit them. Mr. Harrington would like to add a fee of \$50 for Day, Residential, and Sports Camps. The Fee Schedule has had a \$50 fee for Recreational Camps using the Campground schedule. Campgrounds are a separate entity and a separate permit entity.

The Board discussed raising the \$50 annual fee to \$100 for the Day, Residential, and Sports Camps because of the time it takes to prepare for the pre-opening of the recreational camp.

Lucy Burton made a motion that the Board of Health raise the Day, Residential, and Sports Recreational Camp annual licensing fee for 2016 to \$100. Kalliope Egloff seconded the motion. The motion was unanimously approved.

5. Request for 2016 Seasonal Retail and Food Service and 2016 Tobacco Licenses: Popponesset Country Store.

Glen Harrington stated that Joseph Anastos, new owner of Popponesset Country Store, submitted a Food Establishment Permit Application and an application for a Tobacco Sales Permit. Mr. Anastos has the Emack & Bolios store in the Marketplace as well. A floor plan and menu are required, and also the person in charge will need to be designated when Mr. Anastos is at the other store. A certified ServSafe food manager is needed in each facility.

Lucy Burton made a motion that the Board of Health approve the 2016 Tobacco and Food Establishment Permits for the Popponesset Country Store pending a pre-operation inspection by the Health Agent and providing a floor plan, a menu for prepared items, and a person in charge when Joseph Anastos is not on site. Kalliope Egloff seconded the motion. The motion was unanimously approved.

6. Appeal of Board of Health Decision: 8 Regatta Drive.

Glen Harrington stated that on March 31, 2016, the Board of Health issued a \$900 fine to the owners of 8 Regatta Drive for failing to perform the required Operation and Maintenance on their OMNI RSF septic system.

Mrs. Ross contacted Mr. Harrington and explained the situation of their circumstances regarding their non-compliance. Mrs. Ross's son had been diagnosed with a medical condition that required a great deal of their attention. Mrs. Ross is requesting relief from the fine of \$300 per year.

Lucy Burton made a motion that the Board of Health waive the previously levied fines against the property of 8 Regatta Drive. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7. Variance Request from Recreational Camp Regulations: Mashpee Village.

Glen Harrington commented that this is the same variance that was submitted last year for the recreational camp at Mashpee Village. The regulation requires two sets of bathrooms for up to 60 campers. Last year the Board allowed a maximum of 30 campers for one set of bathrooms. All of the children live on the property and can always go home to use the facilities.

Lucy Burton made a motion that the Board of Health approve the variance to allow one set of restrooms for up to 30 campers maximum with an annual review. Kalliope Egloff seconded the motion. The motion was unanimously approved.

8. Request for 2016 Residential Kitchen License: Trivilino's Bake Shop (33 Ships Lantern Drive).

Glen Harrington remarked that the application and fee have been submitted; the inspection has been performed and passed; and the ServSafe and Allergen Awareness certificates have been provided for Trivilino's Bake Shop. The only other item required is the menu.

Lucy Burton made a motion that the Board of Health approve the 2016 Residential Kitchen Permit for Trivilino's Bake Shop with the condition that their menu is provided to the Board of Health. Kalliope Egloff seconded the motion. The motion was unanimously approved.

OLD BUSINESS

1. Housing Compliance Update: 394 Cotuit Road.

Glen Harrington stated that Veronica Warden, Assistant Health Agent, performed an inspection with Erica Woods of the Cape Cod Hoarding Task Force at 394 Cotuit Road on April 20, 2016. Mr. Harrington has not received any documentation from Erica Woods. However, Mr. Harrington provided before (June, 2014) and after (April, 2016) photographs to the Board of the kitchen area of 394 Cotuit Road.

2. Update on Failed Septic System: 87 Lighthouse Lane.

Glen Harrington remarked that the septic system at 87 Lighthouse Lane was repaired on April 13, 2016. The expense warrants were just signed for payment to the contractor and engineer. The as built has not been provided; therefore, the Certificate of Compliance has not been issued. Once the payments are made a lien will be placed on the property and recorded.

3. Update on Failed Septic System: 46 Pond Circle.

Glen Harrington commented that the septic system at 46 Pond Circle was installed this week. The Health Department is awaiting the as built card and the issuance of the Certificate of Compliance. The contractor's payment was just signed by the Board of Health. A lien will be placed on the property and recorded once all of the costs are tallied.

4. Septic Loan Waiver: 251 Great Neck Road North.

Glen Harrington remarked that at the previous meeting the Board of Health requested Mr. Harrington to research whether the original promissory note for 251 Great Neck Road North can be converted to a community septic lien. Mr. Harrington stated that he does not have the information as yet.

The Board of Health continued discussion on 251 Great Neck Road North to the next scheduled meeting on May 19, 2016.

5. Operation and Maintenance Violation: 129 The Paddock Circle.

Glen Harrington stated that the last inspection at 129 The Paddock Circle was performed in 2013. No inspections were performed in 2014 or 2015. The Barnstable County data base states that a contract was provided on April 20, 2016. The notices were never received because they were sent to the wrong address. The owners did not attain the notice until the end of December 2015. Mr. Harrington recommended that no action be taken.

ADDITIONAL TOPICS

None.

DISCUSSION

1. Meeting Update – Mashpee Cares Committee Meeting: Glen Harrington.

Glen Harrington commented that he was unable to attend the Mashpee Cares Committee Meeting on April 19, 2016.

2. Household Hazardous Waste Collection – April 16, 2016: Sandwich High School.

Kalliope Egloff remarked that the Household Hazardous Waste Collection on April 16, 2016, at Sandwich High School was successful. A little over 29,000 pounds of hazardous waste was collected in 4 and one half hours. There were 370 cars, 36 were from Mashpee. The next Household Hazardous Waste Collection will take place in Falmouth on June 18, 2016. A medication take-back process may be proposed to take place at the Mashpee Household Hazardous Waste Collection.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, May 19, 2016, at 7:00 PM. As there was no further business, Kalliope Egloff made a motion to adjourn the Public Session Meeting of the Board of Health at 8:11 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments